

Washington State Board of Registration for Professional Engineers & Land Surveyors

Board Meeting

December 8, 2022

[WebEx Link](#)

or

Join by video system, application, or Skype for business

Dial 25568497970@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

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Board Meeting

Tab 1

Call to Order

- 1.1 Roll Call
- 1.2 Order of Agenda
- 1.3 Approval of October 20, 2022 Meeting Minutes
- 1.4 Public Comment Opportunity



STATE OF WASHINGTON

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Board Meeting Agenda

DATE & TIME: Dec 8, 2022

9:00 am

LOCATION: BRPELS Office
605 11th Ave SE
STE 201
Olympia, WA, 98501

and [WebEx Link](#)

or

Tap to join from a mobile device

[+1-650-479-3208](tel:+16504793208), [25568497970](tel:+125568497970) #37597265# US Toll

ATTENTION:

All meetings are open to the public except when business calls for a Closed Session. During Closed Session all guests will be excused. Start times are subject to change by the Board Chair.

OPEN SESSION

1. Call to Order

- 1.1. Roll Call
- 1.2. Order of Agenda
- 1.3. Approval of October 20, 2022 Meeting Minutes
- 1.4. Public Comment Opportunity

EXECUTIVE SESSION: The chair will announce the purpose and estimated duration for Executive Session. No formal actions will be taken during Executive Session. Once Executive Session concludes, the Board will take a break to announce and invite visitors to Open Session.

OPEN SESSION RECONVENES

2. Disciplinary Action

- 2.1. Case Closures
- 2.2. Disciplinary Report
- 2.3. Consideration of Board Order 2021-08-2070-00LSV, 2022-10-1445-00LSV

3. Committee Reports

- 3.1. Executive Committee
- 3.2. Practice Committee
- 3.3. Exam Qualifications Committee
- 3.4. Survey Committee

4. New Business

- 4.1. Approval of Monument Removal/Replacement Response to DNR
- 4.2. Potential Nomination of Dave Peden for NCEES WZ Secretary/Treasurer
- 4.3. NCEES Funded and Washington Funded Delegates for 2023 NCEES Zone Interim Meetings
- 4.4. NCEES PLS Exam EPS Request/Direction
- 4.5. Approval of Concise Explanatory Statement and Filing of CR-103 for WAC 196-25
- 4.6. Rulemaking for WAC 196-12
- 4.7. Rulemaking for WAC 196-29

5. Director's Report

- 5.1. Financial Report
- 5.2. Agency Operations
- 5.3. Program Reports
 - 5.3.1. Communication & Outreach
 - 5.3.2. Regulatory
 - 5.3.3. Investigation & Compliance
 - 5.3.4. Licensing
 - 5.3.5. Admin
 - 5.3.6. Deputy Director
- 5.4. Other Items

6. Assistant Attorney General's Report

- 6.1. Introducing The New Prosecuting AAG

7. Other Business

- 7.1. Additional Public Comment
- 7.2. Upcoming Outreach and Events
 - 7.2.1. April Committee/Board Meeting Dates
- 7.3. Action Items from This Meeting
- 7.4. Agenda Items for Next Meeting

8. Adjourn Meeting



STATE OF WASHINGTON
BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
BOARD MEETING MINUTES

DATE: October 20, 2022

TIME: 8:00 a.m.

LOCATION: The Orcas Room, The Radisson Hotel SeaTac, Seattle, WA & WebEx

ATTENDANCE:

Board Members

Doug Hendrickson, PE, Chair
 Dave Peden, PE, SE, Vice Chair
 Aaron Blaisdell, PLS
 Nirmala Gnanapragasam, Ph.D, PE
 Marjorie Lund, PE, SE
 Ivan VanDeWege, PE
 James Wengler, PLS, CFedS

Guest(s)

Kai Cao (WebEx)
 Dan Goldman (WebEx)

Staff Members

Elizabeth Lagerberg, Advising AAG (WebEx)
 Danitza Casselman, Prosecuting AAG (WebEx)
 Ken Fuller, PE, Director (WebEx)
 Richard Larson, PLS, Deputy Director
 Mackenzie Wherrett, Executive Assistant
 Vonna Cramer, Licensing Lead
 Shanan Gillespie, Regulatory Program Manager
 Jill Short, Investigations & Compliance Manager
 Greg Schieferstein, Outreach & Communication Manager

1. Call to Order at 8:01 am

1.1. Roll Call

Mr. Hendrickson took roll call.

1.2. Order of Agenda

A motion was made by Mr. Blaisdell, and seconded by Mr. VanDeWege, to accept the agenda. Motion carried.

1.3. Approval of Meeting Minutes

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Blaisdell, to accept the August 11, 2022 meeting minutes as written. Motion carried.

1.4. Review Correspondence & Communications

The board reviewed Mr. Fuller's response to an email from Mr. Welsh regarding engineering licensing exemptions. Mr. Welsh provided an article he authored titled, 'Boeing's Licensure-Exemption Culture'.

1.5. Public Comment Opportunity

None provided.

Executive Session

Mr. Hendrickson, Board Chair, announced that the Board would go into closed session to consult with

the board attorney and discuss matters related to enforcement and cases in current litigation. It was estimated Executive Session would last from 8:12 a.m. until 8:42 a.m.

Open Session Reconvened - 8:42 a.m.

2. Disciplinary Action

2.1. Recommended Case Closures

2018-04-0004-00ENG

Mr. Blaisdell recommended the case be closed.

A motion was made by Mr. Wengler, and seconded by Mr. Peden, to accept the case manager's recommendation for closure. Motion carried. Mr. Blaisdell abstained.

2022-08-1149-00OSW

Mr. Peden recommended the case be closed.

A motion was made by Ms. Lund, and seconded by Mr. Wengler, to accept the case manager's recommendation for closure. Motion carried. Mr. Peden abstained.

2.2. Disciplinary Report

Ms. Short provided a summary of the Disciplinary Report that was included in the [board packet](#).

3. Committee Reports

3.1. Executive Committee

Mr. Hendrickson delivered the committee's report.

- [10/19/22 Executive Committee Meeting Minutes](#)

A motion was made by Mr. Peden, and seconded by Mr. VanDeWege, to accept the Executive Committee report. Motion carried.

3.2. Practice Committee (PC)

Mr. Peden delivered the committee's report.

- [10/19/22 Practice Committee Meeting Minutes](#)

A motion was made by Ms. Lund, and seconded by Ms. Gnanapragasam, to accept the Practice Committee report. Motion carried.

3.3. Exam Qualifications Committee (EQC)

Ms. Gnanapragasam delivered the committee's report.

- [10/19/22 Exam Qualifications Committee Meeting Minutes](#)

A motion was made by Mr. Peden, and seconded by Mr. VanDeWege, to accept the Exam Qualifications Committee report. Motion carried.

3.4. Survey Committee

Mr. Wengler delivered the committee's report.

- [10/19/22 Survey Committee Meeting Minutes](#)

3.5. On-Site Committee

Mr. Blaisdell delivered the committee's report.

- [10/10/22 On-Site Committee Meeting Minutes](#)

4. New Business

4.1. 2022/2023 Meeting Schedule

Mr. VanDeWege made a motion to hold the December 8, 2022, Special Board Meeting and December 7, 2022, Committee Meetings as in-person hybrid meetings at the board’s Olympia office.

Discussion:

Mr. Fuller explained that changing the location of the December meetings is to reduce the commute of Board Members and Board Staff during the holidays. A friendly amendment was made by Mr. Blaisdell to have the December 2022 committee meetings and board meeting in Olympia with the option of virtual attendance. The friendly amendment was accepted. The board determined the following dates for 2023 meetings:

<u>Meeting Date</u>	<u>Meeting Location</u>
February 22 & 23	Vancouver
April 17 - 21 & 26	Olympia
June 21 & 22	Tri-Cities
August 9 & 10	SeaTac
October 18 & 19	Spokane
December 6 & 7	Olympia

The motion made by Mr. VanDeWege was seconded by Ms. Gnanapragasam. Motion carried.

4.2. Approval of On-Site Cut Score (from EQC)

A motion was made by Ms. Lund and seconded by Mr. Wengler to approve the Exam Qualifications Committee recommendation of a cut score of 82/100 for the September 2022 State Specific On-Site Exam. Motion carried.

4.3. Approval of PLS State Specific Exam Cut Score (from EQC)

A motion was made by Ms. Gnanapragasam and seconded by Mr. Blaisdell to approve the Exam Qualifications Committee recommendation of a cut score of 28/40 for the September 2022 State Specific PLS Exam. Motion carried.

4.4. RCW 18.43 Engineers and Land Surveyors (from PC)

No action required. Mr. Fuller reported during the Practice Committee Meeting on October 19, 2022 that staff are waiting for Bill Enrollment and Agency Requests System (BEARS) with Office of Financial Management (OFM) to review proposed changes. Mr. Bitar has done a Fiscal Note and found no fiscal impacts. Mr. Fuller is hopeful we should have a response from OFM by the middle of November.

- 4.5. Approval of Filing CR102 for WAC 196-26A & WAC 196-30 (From Executive Committee)
Ms. Lund moved to approve the filing of CR102 for WAC 196-26A and WAC 196-30. The motion was seconded by Mr. Wengler. Motion carried.
- 4.6. Approval of Filing CR102 for WAC 196-32 (from EQC)
A motion was made by Ms. Gnanapragasam and seconded by Mr. VanDeWege to approve the filing of CR102 for WAC 196-32. Motion carried.
- 4.7. Approval of Monument Removal/Replacement Response to DNR (from PC)
Mr. Peden moved to approve the Monument Removal/Replacement Response to DNR and seconded by Mr. Blaisdell. Ms. Lagerberg recommended that the board review again before sending the response to DNR as she had some concerns. Mr. Hendrickson called a vote to approve the Monument Removal/Replacement Response to DNR.
- Mr. Blaisdell and Mr. Wengler in favor. Ms. Lund, Ms. Gnanapragasam, Mr. VanDeWege, and Mr. Peden opposed. Mr. Hendrickson abstained.
- Motion does not pass. Mr. Hendrickson directed that the monument removal/replacement response to DNR be referred to the Survey Committee.

5. Directors Report

- 5.1. Financial Report
Mr. Fuller provided an overview of the financial report produced by Mr. Bitar that was included in the [board packet](#). He reported the agency is in excellent financial condition and stated the agency is projected to end the biennium with about \$1.59 million in its operating account and is on track to underspend appropriation this biennium by \$555,000. He reported last fiscal year, the agency generated \$2.52 million in licensing revenue vs. \$2.11 million during the same period last biennium. This represents an increase of about 19.4% between biennia.
- 5.2. Agency Operations
Mr. Fuller informed the committee that Ms. Wherrett has been hired as the Executive Assistant, and Ms. Emily Weston has been hired as a temporary employee to help the licensing section.
- Mr. Fuller reported that board staff have recently received compliments from internal and external customers regarding our agency as a favorite to interact with, highlighting customer service and timeliness.
- 5.3. Program Reports
Board Staff provided summaries of the program reports included within the [board packet](#).
- 5.3.1. Communications & Outreach – Mr. Schieferstein
 - 5.3.2. Regulatory – Ms. Gillespie
 - 5.3.3. Investigation & Compliance – Ms. Short
 - 5.3.4. Licensing – Ms. Cramer
 - 5.3.5. Admin – Ms. Wherrett
- 5.4. Other Items

5.4.1. Board SharePoint Site FAQ

Ms. Gillespie asked the board for clarification on what type of frequently asked questions and answers they would like to see on the Board Member SharePoint site. Mr. Hendrickson would like to see use of maintenance automation or a process to remove outdated FAQs. Ms. Lund and Mr. Blaisdell would like to see practice questions. Mr. Wengler would like to search and filter the FAQs using keywords.

6. Assistant Attorney General's Report

6.1. Introducing The New Prosecuting AAG

The new Prosecuting AAG, Ms. Casselman had to leave the meeting early, but plans on attending the December board meeting.

6.2. Reminder of How to Cite RCWs & WACs

Ms. Lagerberg reported how to properly cite RCWs and WACs as a reminder to board members and board staff.

If you are citing laws or rules without section references, you use the word "Title" in front of the RCW or WAC. For example: Title 18 RCW or Title 196 WAC. You use the word "Chapter" if you are citing a chapter (or section) from the Title law/rule. For example: Chapter 18.210 RCW or Chapter 196-09 WAC.

If you are citing law or rules with (exact) section references, you do not use the terms "Chapter" or "Title." They are cited with RCW or WAC put before the law/rule being cited. For example: RCW 18.210.190 or WAC 196-09-010.

6.3. Update on Tappell Case

Ms. Lagerberg reported that the Washington State Court of Appeals indicated an oral argument in December but there is currently no timeline.

Ms. Lagerberg discussed the upcoming Washington Association of Building Officials (WABO) conference on October 28, 2022. Mr. Peden and Ms. Lagerberg will be in attendance. Ms. Lagerberg will have a PowerPoint presentation for the conference.

7. Other Business

7.1. Additional Public Comment

Mr. Cao asked a licensing question regarding applying for a Professional Engineer license. Mr. Cao was directed to email all licensing questions to the board staff at engineers@brpels.wa.gov. Mr. Fuller asked Mr. Cao to provide a phone number and Mr. Fuller will call directly with a response to his question.

7.2. Upcoming Outreach and Events

- 10/28/22 | WABO, Architects Board, BRPELS | Spokane | Mr. Peden and Ms. Lagerberg
- 11/4/22 | Olympic College | Bremerton | Mr. Hendrickson
- 12/1/22 | City of Bellevue and surrounding building departments | Bellevue | Ms. Lund and Mr. Fuller

7.3. Action Items from This Meeting

- Board Staff to look at starting the rule-making process for WAC 196-29 - Professional Practices
- Board Staff to file the CR102 for WAC 196-26A & WAC 196-30 with the Code Reviser's Office.
- Mr. Schieferstein to begin planning of outreach to licensees pertaining to general information about renewals.
- Board Staff to file the CR102 for WAC 196-32 with the Code Reviser's Office.
- Mr. Schieferstein to obtain more information about who will engage in the website survey and provide it to the board.
- Ms. Cramer to provide the board with statistical data on licensing on an annual basis.
- Mr. Schieferstein to assist Ms. Lagerberg with a PowerPoint presentation for the WABO conference.
- Ms. Wherrett to clean up rolling action items list for the next board meeting.

7.4. Agenda Items for Next Meeting.

- None

8. Adjourn Meeting

A motion was made by Ms. Lund, and seconded by Mr. Wengler, to adjourn the meeting at 12:05 p.m. Motion carried.

Next Meeting: December 08, 2022 - Special Board Meeting - Olympia & WebEx

Respectfully submitted

Ken Fuller, PE, Director

Board Meeting

Tab 2

Disciplinary Activity

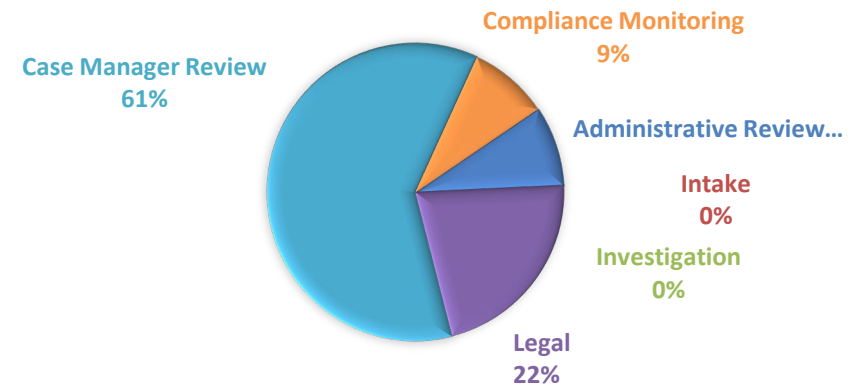
- 2.1 Case Closures
- 2.2 Disciplinary Report
- 2.3 Consideration of Board Order
2021-08-2070-00LSV, 2022-10-1445-00LSV

Board of Registration for Professional Engineers Land Surveyors Disciplinary Report - August 2022

Open Case Status

Status	Program Type			Total
	Engineers	Land Surveyors	OSW	
Administrative Review	0	1	1	2
Intake	0	0	0	0
Investigation	0	0	0	0
Legal	1	4	0	5
Case Manager Review	2	12	0	14
Compliance Monitoring	2	0	0	2
Total	5	17	1	23

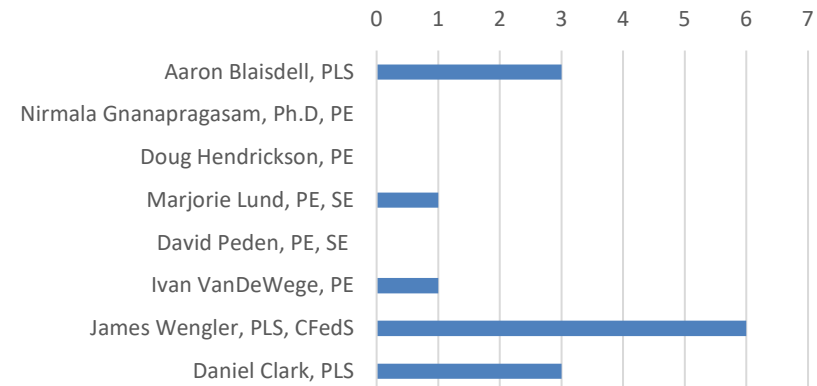
Open Complaint Status



Case Manager Review

Case Manager	Program Type		Total
	Engineers	Land Surveyors	
Aaron Blaisdell, PLS	0	3	3
Nirmala Gnanapragasam, Ph.D, PE	0	0	0
Doug Hendrickson, PE	0	0	0
Marjorie Lund, PE, SE	1	0	1
David Peden, PE, SE	0	0	0
Ivan VanDeWege, PE	1	0	1
James Wengler, PLS, CFedS	0	6	6
Daniel Clark, PLS	0	3	3
Total	2	12	14

Case Manager Open Complaints



Administrative Review

Board Staff	Engineers	Land Surveyors	OSW	Total
Ken Fuller, PE	0	0	1	1
Rich Larson, PLS	0	1	0	1
Total	0	1	1	2

Board Meeting

Tab 3

Committee Reports

- 3.1 Executive Committee
- 3.2 Practice Committee
- 3.3 Exam Qualifications Committee
- 3.4 Survey Committee

Board Meeting

Tab 4

New Business

- 4.1. Approval of Monument Removal/Replacement Response to DNR (from PC)
- 4.2. Potential Nomination of Dave Peden for NCEES WZ Secretary/Treasurer (from Executive Committee)
- 4.3. NCEES Funded and Washington Funded Delegates for 2023 NCEES Zone Interim Meetings
- 4.4. NCEES PLS Exam EPS Request/Direction (from Survey Committee)
- 4.5. Approval and Filing of CR103 & Concise Explanatory Statement for WAC 196-25 (from PC)
- 4.6. Rulemaking for WAC 196-12 (from EQC)
- 4.7. Rulemaking for WAC 196-29 (from Survey Committee)



STATE OF WASHINGTON
BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
 P.O. Box 9025, Olympia, WA 98507-9025

December 8, 2022

Department of Natural Resources
 Engineering Division
 1111 Washington St. SE – MS: 47030
 Olympia, WA 98504-7030

Re: Recording Monument Replacements and Encroachments

Dear Mr. Beehler:

Thank you for requesting the input from the Board of Registration of Professional Engineers and Land Surveyors (BRPELS). In your letter, you have requested “*conclusive answers to questions*” regarding statutes under the jurisdiction of the Department of Natural Resources (DNR).

BRPELS will provide a response pursuant to its role as the regulatory authority over land surveyors under chapter 18.43 RCW. BRPELS has disciplinary authority over licensed land surveyors. It does not have either the jurisdiction or authority to provide legal advice or direction to other agencies, including DNR.

This response CANNOT provide conclusive answers. Instead, it is intended to provide the Board’s perspective as an external stakeholder. It should not be relied on by DNR as legal authority, and the opinions expressed here should not be used as a basis for legal advice to private citizens.

Here is an excerpt from the DNR Letter containing your questions:

The particular questions at-hand concern whether certain circumstances trigger a requirement to file a Record of Survey (ROS) map. It appears that the relevant statutes guiding the land surveying profession are RCW 58.09.130, RCW 58.09.090 (1) (d) (iii), and RCW 58.24.040(8). We respectfully submit the following questions:

Question 1:

- 1) In the case of removal, or replacement, of a monument, not at a property corner, but marking a road centerline or right-of-way “reference line”:
 - a. Is it mandatory for a surveyor to file an ROS following the removal, or replacement, of a monument marking a road centerline, or right-of-way “reference line”?
 - b. If the filing of an ROS is not required, is some other form of public record required?

c. If other forms of public record are sufficient in lieu of filing an ROS, what are the other forms of public record?

Response to question 1a: Is it mandatory for a surveyor to file an ROS following the removal, or replacement, of a monument marking a road centerline, or right-of-way “reference line”?

It is our opinion that in general monuments “**referencing**” a road centerline or right-of-way may be the best evidence as to the boundary of the actual road centerline or right-of-way, and although they may not be “**on the boundary of two or more ownerships**”, they are points or lines which define the exterior boundary or “**boundaries common to two or more ownerships**” and their reestablishment would require the recording of a survey in most cases. Alternatively, RCW 58.09.130 which addresses removal and replacement of monuments of roads and highways, does not expressly require a record of survey. From an enforcement perspective, this Board finds this law to be inapplicable to the question.

We note that the legislature, pursuant to RCW 58.24. 010 and RCW 58.24.020, determined there was a necessity in the interest of the people of the state and the responsibility of the state to establish a system to provide a means for the identification and preservation of survey points [emphasis added] **for the description of common land boundaries and for the adoption and maintenance of a system of permanent reference as to boundary monuments.** We further recognize that under RCW 58.24.020 the Washington State Department of Natural Resources (DNR) is the agency for the establishment and maintenance of this system, which includes permitting the temporary removal or destruction of section corners, boundary markers or monuments. Under this authority and RCW 5824.030, the DNR prescribed regulations concerning the removal or destruction of survey monuments and the perpetuation of survey points.

RCW 58.24.040 (8): *Permit the temporary removal or destruction of any section corner or any other land boundary mark or monument by any person, corporation, association, department, or subdivision of the state, county, or municipality as may be necessary or desirable to accommodate construction, mining, and other development of any land: PROVIDED, That such section corner or other land boundary mark or monument shall be referenced to the Washington coordinate system by a registered professional engineer or land surveyor prior to such removal or destruction, and shall be replaced or a suitable reference monument established by a registered professional engineer or land surveyor within a reasonable time after completion of such construction, mining, or other development: AND PROVIDED FURTHER, That the department of natural resources shall adopt and promulgate reasonable rules and regulations under which the agency shall authorize such temporary removal or destruction and require the replacement of such section corner or other land boundary marks or monuments.*

Furthermore, we note that the definition under **WAC 332-120-020** defines Land boundary survey corner as “**A point on the boundary of any easement, right of way, lot, tract, or parcel of real property; a controlling point for a plat; or a point which is a General Land Office or Bureau of Land Management survey corner.**”

Although this definition does not specifically include the words “**a monument, not at a property corner**” as stated in the questions, RCW 58.24.040 (8) gives authority to the DNR to regulate and authorize such temporary removal or destruction and requires the replacement of **other land boundary marks or monuments.** Since the DNR has the authority to regulate the temporary removal or destruction and the

replacement of ***other land boundary marks or monuments*** when it becomes necessary or desirable to accommodate construction, mining, and other development of any land, it is our opinion that ***“marking a road centerline or right-of-way “reference line”*** falls under the definition of ***“other land boundary marks or monuments.”***

With reference to the **APPLICATION AND PERMIT TO REMOVE OR DESTROY A SURVEY MONUMENT PER RCW 58.24.040(8) AND WAC 332-120-070** (Form prescribed 12/01/2021 by the Public Land Survey Office, Dept. of Natural Resources, pursuant to RCW 58.24.040 (8).) Chapter 58.09.040(1) RCW does not require a surveyor to record a survey since the monuments are on a reference line and not on the actual boundary of two or more ownerships. However, if the surveyor has filed an application to remove and replace the monuments, the surveyor would be required to record a survey along with the required completion report in order to comply with the requirements of the application.

It is worth noting that an Engineer is allowed to file an application to remove and replace the monuments under the provisions of the application itself, however, if an Engineer applies for and receives approval to remove and or replace a monument pursuant to Chapter(s) 332-120-050 and 332-120-060 WAC, they would be unable to comply with the recording requirement because they do **NOT** have the proper credentials to record the survey pursuant to RCW 18.43, regardless if they work for a public agency or not.

WAC 332-120-050 Application process. (1) *Whenever a survey monument needs to be removed or destroyed the application required by this chapter shall be submitted to the department. It shall be completed, signed and sealed by a land surveyor or engineer as defined in this chapter.*

WAC 332-120-060 Project completion—Perpetuation of the original position. (1) *After completion of the activity that caused the removal or destruction of the monument, a land surveyor or engineer shall, unless specifically authorized otherwise:*

(4) *A record of survey or land corner record shall be completed as required by the Survey Recording Act to document the remonumentation in the public record.*

Chapter 58.09.040 Records of survey—Contents—Filing—Replacing corner, filing record. (1) *It shall be mandatory, within ninety days after the establishment, reestablishment, or restoration of a corner on the boundary of two or more ownerships or general land office corner by survey that a land surveyor shall file with the county auditor in the county or counties wherein the lands surveyed are situated a record of such survey, in such form as to meet the requirements of this chapter, which through accepted survey procedures, shall disclose: (a) The establishment of a corner which materially varies from the description of record; (b) The establishment of one or more property corners not previously existing; (c) Evidence that reasonable analysis might result in alternate positions of lines or points as a result of an ambiguity in the description; (d) The reestablishment of lost government land office corners.*

Response to question 1b and 1c: In the case of removal, or replacement, of a monument, not at a property corner, but marking a road centerline or right-of-way “reference line”: (b) If the filing of an ROS is not required, is some other form of public record required? (c) If other forms of public record are sufficient in lieu of filing an ROS, what are the other forms of public record?

It is our opinion that generally when the surveyor is a public officer acting in his or her official capacity, they would be exempt from recording a survey as long as a reproducible copy of the map has been filed with the county engineer of the county in which the land is located. In such a case, the reproducible copy of the map is a public record.

Chapter 58.09.090 RCW (1)(a) states: A record of survey is not required of any survey when it has been made by a public officer in his or her official capacity and a reproducible copy thereof has been filed with the county engineer of the county in which the land is located. A map so filed shall be indexed and kept available for public inspection. A record of survey shall not be required of a survey made by the United States bureau of land management. A state agency conducting surveys to carry out the program of the agency shall not be required to use a land surveyor as defined by this chapter;

Aside from filing a Record of Survey, other forms of public record may be required.

Question 2:

2) The second case concerns a scenario in which apparent encroachments exist on either one or both sides of a surveyed boundary line.

a. Is it mandatory for a surveyor to file an ROS if existing boundary corner monuments are found and accepted, and apparent encroachments exist on either one or both sides of a surveyed boundary line?

b. Is it mandatory for a surveyor to file an ROS if boundary corner monuments are NOT found, NOT set, and/or NOT re-set, but the property line has been determined, and apparent encroachments exist on one or both sides of a surveyed boundary line?

Response to question 2a: Is it mandatory for a surveyor to file an ROS if existing boundary corner monuments are found and accepted, and apparent encroachments exist on either one or both sides of a surveyed boundary line?

The term “encroachment” appears once in chapter 58.09 RCW, and that is in relation to surveyed subdivisions:

RCW 58.09.090 When record of survey not required. (1) A record of survey is not required of any survey:

(d) When it is a retracement or resurvey of boundaries of platted lots, tracts, or parcels shown on a filed or recorded and surveyed subdivision plat or filed or recorded and surveyed short subdivision plat in which monuments have been set to mark all corners of the block or street centerline intersections, provided that no discrepancy is found.

For purposes of this exemption, the term discrepancy shall include:

(iii) The presence of any physical evidence of encroachment or overlap by occupation or improvement;

It is our opinion that the requirement to record a survey when “**the presence of any physical evidence of encroachment or overlap by occupation or improvement is found**” applies to retracements or the resurvey of platted lots, tracts, or parcels shown on a filed or recorded and surveyed subdivision plat or filed or recorded and surveyed short subdivision plat (platted lots) in which monuments have been set to mark all corners of the block or street centerline intersections. This requirement to record does not appear to apply to retracements or resurveys of parcels shown on a recorded survey that was recorded pursuant to RCW 58.09 in general. This opinion is further supported by WAC 196-29-110(4).

RCW 58.09.020(3) “**Survey**” shall mean the locating and **monumenting** in accordance with sound principles of land surveying by or under the supervision of a licensed land surveyor, of points or lines which define the exterior boundary or boundaries common to two or more ownerships or which reestablish or restore general land office corners.

WAC 196-29-110 Land surveying practice standards - Failure by any registrant to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC shall be considered misconduct or malpractice as defined by RCW 18.43.105(11). The following standards shall also apply:

- (1) The monumentation, posting, and/or the marking of a boundary line between two existing corner monuments constitutes the “practice of land surveying” as defined in chapter 18.43 RCW and chapter 196-16 WAC, and consequently requires said work to be performed under the direct supervision of a registered professional land surveyor.
- (2) The field survey work performed to accomplish the monumentation, posting, and marking of a boundary line between two existing corner monuments shall meet the minimum standards imposed by chapter 332-130 WAC.
- (3) The monumentation, posting, and/or marking of a boundary line between two existing corner monuments involves a determination of the accuracy and validity of the existing monuments by the use of standard survey methods and professional judgment.
- (4) The monumentation, posting, and marking of a boundary line between two existing corner monuments shall require the filing of a record of survey according to chapter 58.09 RCW unless both corners satisfy one or both of the following requirements:
 - (a) The corner(s) are shown as being established on a properly recorded or filed survey according to chapter 58.09 RCW and are accurately and correctly shown thereon.
 - (b) The corner(s) are described correctly, accurately, and properly on a land corner record according to chapter 58.09 RCW if their establishment was by a method not requiring the filing of a record of survey.

The above law does not specify if the presence of any physical evidence of encroachment or overlap by occupation or improvement need exist on either one or both sides of a surveyed boundary line of platted lots.

Furthermore, the presence of any physical evidence of encroachment or overlap by occupation or improvement is the trigger to record, not its position relative to one side of the boundary line or other RCW 58.09.090(1)(d)(iii). WAC 196-29-110 also requires a survey to be recorded if the corners being established are not accurately and correctly shown on a properly recorded survey or a Land Corner Record. It does not mention a requirement that a survey be recorded if existing boundary corner monuments are found and accepted, and evidence of encroachments exist on either one or both sides of a surveyed boundary line of platted lots.

Response to question 2b: [Is it mandatory for a surveyor to file an ROS if boundary corner monuments are NOT found, NOT set, and/or NOT re-set, but the property line has been determined, and apparent encroachments exist on one or both sides of a surveyed boundary line?](#)

It is our opinion that the establishment, reestablishment, or restoration of a corner on the boundary of two or more ownerships or general land office corner **by survey and monumenting** triggers the requirement for recording. If boundary corner monuments are NOT found, NOT set, and/or NOT re-set by the surveyor, but the surveyor has determined the property line, and evidence of encroachments exist on one or both sides of a surveyed boundary line, a Record of survey is not required to be recorded under this chapter.

Chapter 58.09.020 RCW defines survey as: “***The locating and monumenting in accordance with sound principles of land surveying by or under the supervision of a licensed land surveyor, of points or lines which define the exterior boundary or boundaries common to two or more ownerships or which reestablish or restore general land office corners.***”

Chapter 58.09.040(1) RCW states: “***It shall be mandatory, within ninety days after the establishment, reestablishment, or restoration of a corner on the boundary of two or more ownerships or general land office corner by survey that a land surveyor shall file with the county auditor in the county or counties wherein the lands surveyed are situated a record of such survey, in such form as to meet the requirements of this chapter.***”

Lastly, we found that Attorney General Opinion (AGO) 1989 No. 1 also applies when responding to these questions. The footnotes contained therein relate to the ***difference between a corner and a monument***; which should be also considered when applying this opinion:

AGO 1989 No. 1 states:

- 1. RCW 58.09.040(1)(a) through (d) do not constitute an exclusive list of the surveys required by law to be filed.***
- 2. The Survey Recording Act (Chapter 58.09 RCW) does not require the filing of a record of survey subsequent to the physical location of a boundary line between two existing corner monuments.***
- 3. The Survey Recording Act (Chapter 58.09 RCW) requires the filing of a record of survey subsequent to the reestablishment of a corner position previously recorded in the county under a local law or ordinance; it does not matter whether the corner had previously been monumented.***

We note that Item 2 in this reference was originally adopted under WAC 196-24-110 in 1987 and later promulgation, see WAC 196-29-110. See said chapter for instances when a survey is required to be recorded.

We also note that Item 3 in this reference is no longer applicable due to the change in the Survey Recording Act in 1992 which added section (d) expanding the list of surveys not required to be recorded (with certain exceptions) to include retracements of platted recorded in the county under a local law or ordinance.

Again, thank you for seeking input from BRPELS on the questions posed by DNR and the Land Survey Advisory Board. As stated above, the Board does not have the jurisdiction or authority to provide legal interpretations, legal opinions or legal advice to DNR or the Advisory Board, and this letter should not be considered or conveyed to others as such.

Yours Truly,

Doug Hendrickson, PE
Board Chair

Wherrett, Mackenzie (BRPELS)

From: Maria Elizabeth V. Cristi, P.E. <mecristi@pacificsoilsguam.com>
Sent: Tuesday, November 1, 2022 9:26 PM
To: Cevin Imus <cevin.imus@wyoboards.gov>; karl.tonander@outlook.com; Mohammad Qureshi <drmoque@gmail.com>
Cc: Maria Elizabeth V. Cristi, P.E. <mecristi@pacificsoilsguam.com>
Subject: NCEES Western Zone Call for Nominations for Secretary Treasurer

External Email

Hafa Adai (Greetings from Guam) NCEES Western Zone (WZ) Member Boards:

On behalf of the WZ Nominating Committee, I trust this note finds you well. We will be accepting nominations for the upcoming 2023-2025 officer position:

- Western Zone Secretary Treasurer

The Western Zone Secretary Treasurer position is a two year term and individuals must meet the qualifications established with the NCEES Bylaws and Zone Meeting and Continuity Guidelines. Nominations by western zone member boards can be made via letter or email to the nominating committee members listed below. **Nominations must be received by February 1, 2023.** The Nominating Committee will present the nominations for election at the Western Zone meeting next year.

Eligibility criteria:

- A) A board member that is a US Citizen and an appointed member of their board as of January 1, 2023.
- B) An associate member and a US citizen .

Please forward your nominations directly to Cevin, Karl and myself no later **than February 1, 2023.**

Western Zone Nominations Committee Members:

Cevin Imus, PE WY Board, email: Cevin.imus@wyoboards.gov
 Karl Tonander, PE NM Board and current WZ Secretary Treasurer, email: karl.tonander@outlook.com
 Maria Elizabeth (Maily) V. Cristi, email: mecristi@pacificsoilsguam.com

We kindly request your assistance in forwarding this email to your respective board members. We appreciate your consideration and look forward to hearing from those interested! Please do not hesitate to let us know if you should have any questions.

Have a nice week!

Many thanks,
 Maily

v/r,
 Maria Elizabeth V. Cristi, P.E.
 Principal Engineer
Pacific Soils Engineering & Testing
 P.O. Box 20670 Guam Main Facility
 Barrigada, Guam 96921
 Telephone No(s): 671.646.1489.3278.5790
 Fax No.: 671.646.1288
 Email: mecristi@pacificsoilsguam.com

MEMO**DATE:** October 31, 2022**TO:** Member Board Administrators**FROM:** David Cox, Chief Executive Officer**RE:** Funded Delegate Notification for the 2023 NCEES Zone Interim Meeting

The 2023 NCEES zone interim meeting will be held April 27–29 in Houston, Texas. A meeting summary, which includes funding details and a draft schedule of events, is attached.

In accordance with NCEES policy, the Council will fund the lodging, travel expenses, and registration fees for the designated member board administrator (MBA) from each member board. The Council will provide the same funding to three eligible delegates.

For the designated attendees to receive this funding, their respective member boards must be in active status as defined in *Bylaws* 10.012. Delegates must attend all business meetings on Friday, April 28 and Saturday, April 29. Additional eligibility requirements for each are described below.

When meeting registration opens in January, NCEES will send an invitation to each funded attendee via email with meeting information and instructions for registering and making travel arrangements. Please include the person's email address, not an assigned board email address.

Member board administrator

NCEES will automatically invite the current eligible board administrator when registration opens in January, so it is not necessary to provide your name and contact information in the online form. When an MBA represents more than one board, the funding is for the designated MBA only and not for the assistant MBA or other member board staff.

Funded delegates

To qualify to be a funded delegate, the individual must be a current board member or an associate member.

[Click here](#) to access the funded delegate form. Responses must be received by **January 18**. If you need to make changes to the designated funded delegates later, send an email to the Meetings Department at meetings@ncees.org.

As required by the NCEES *Bylaws*, member board chairs must notify NCEES in writing on board letterhead by **January 18** if an associate member is designated as an eligible funded delegate. For boards that require authorization from the state, such designation may come from the agency director for that board.

For questions regarding funding, contact the Meetings Department at meetings@ncees.org.

Attachment



2023 NCEES Zone Interim Meeting Summary for Funded Attendees

Meeting dates and location	April 27–29, 2023 Royal Sonesta Houston Galleria 2222 West Loop South Houston, TX 77027
Meeting summary	The NCEES zone interim meetings are held each spring. This year, the four zones will meet together in Houston. The primary purpose of the meeting is for representatives from the member licensing boards to hear and discuss reports from the NCEES board of directors, CEO, standing committees, and task forces. The work of the committees and task forces results in motions that will be presented for Council vote at the annual meeting in August. Zone meeting delegates can ask questions and discuss possible annual meeting motions, and they are encouraged to take information back to their boards for further discussion. Additionally, each zone will hold the following elections: <ul style="list-style-type: none"> • Central Zone—zone secretary-treasurer • Northeast Zone—zone vice president and assistant vice president • Southern Zone—zone vice president and assistant vice president and NCEES president-elect nominee (election to be held at the annual meeting in August) • Western Zone—zone secretary-treasurer
Schedule overview	The business meeting will begin at 8:00 a.m. on Friday, April 28 and conclude at 11:45 a.m. on Saturday, April 29. The awards luncheons will be held after the last business meeting on Saturday. A draft business meeting agenda follows on the next page. A full schedule of events will be posted at www.ncees.org/zones when registration opens.
NCEES funding summary	The Council will fund the following, as applicable, for the member board administrator and three eligible funded delegates from each board: meeting registration, lodging expenses for up to three nights (April 27–29), and travel costs, per the travel policy. NCEES will also pay a one-time stipend to cover incidental expenses accordingly: <ul style="list-style-type: none"> • \$100 plus the approved mileage calculation for those who drive • \$375 for those who fly
Attendance requirements	Funded attendees must attend all business meetings on Friday, April 28 and Saturday, April 29. Plan to arrive on Thursday, April 27 and depart on Saturday, April 29 or Sunday, April 30.
Registration details	Meeting registration includes the business meetings; Thursday’s dinner; Friday’s breakfast, lunch, and dinner; and Saturday’s breakfast and awards luncheon.
Hotel room block rate	\$164/night for standard rooms, plus taxes and fees (currently 17 percent) NCEES will make the hotel reservations for all funded attendees based on information provided during registration and be direct billed for room, taxes, and fees for up to three nights (April 27–29).
Air travel and ground transportation	NCEES will fund round-trip economy-class airfare to Houston. The hotel is 28 miles from George Bush Intercontinental Airport and 16 miles from William P. Hobby Airport. There are several ground transportation options available from each airport, including Uber, Lyft, and taxi service. Instructions to book air travel will be available in individual invitations, and transportation options will be posted at www.ncees.org/zones when registration opens.
Hotel parking costs	NCEES attendees receive a 50% discount on self-parking at the hotel (currently \$30 per night, discounted to \$15). The cost for self-parking will be direct billed to NCEES for funded attendees who are approved to drive to the meeting. Valet parking is \$40 per night.

NCEES Zone Interim Meeting
Houston, Texas
April 27–29, 2023
Schedule of Events (draft October 2022)

Thursday, April 27

3:00–5:00 p.m.	Colonial States Boards of Surveyor Registration meeting
3:00–6:00 p.m.	Registration desk open
6:00–6:30 p.m.	First-time attendee receptions (by zone)
6:30–9:00 p.m.	Welcome dinner buffet

Friday, April 28

6:30–8:00 a.m.	Breakfast buffet
8:00–11:45 a.m.	Business session 1 <ul style="list-style-type: none"> ▪ Call to order ▪ Pledge of Allegiance ▪ Welcome and roll call of member boards ▪ Introduction of guests and attendees ▪ Review of schedule for the day ▪ Appointment of Resolutions Committee ▪ NCEES officer and CEO reports ▪ NCEES committee and task force reports <ul style="list-style-type: none"> ▪ Advisory Committee on Council Activities (ACCA) ▪ Committee on Education ▪ Committee on Examination Policy and Procedures (EPP) ▪ Committee on Examinations for Professional Engineers (EPE) ▪ Committee on Examinations for Professional Surveyors (EPS) ▪ Committee on Finances ▪ Committee on Law Enforcement ▪ Committee on Member Board Administrators (MBA) ▪ Committee on Uniform Procedures and Legislative Guidelines (UPLG) ▪ Engineering Licensure Model Task Force ▪ Special Committee on Bylaws
Noon–1:15 p.m.	Luncheon
1:30–2:30 p.m.	Business session 2 <ul style="list-style-type: none"> ▪ NCEES committee and task force reports (continued)
2:45–4:30 p.m.	Individual zone meetings <ul style="list-style-type: none"> ▪ Call to order ▪ Approval of zone meeting minutes from NCEES zone annual meeting ▪ Call for additional agenda items ▪ Zone committee reports <ul style="list-style-type: none"> ▪ Site-Selection Committee ▪ Awards Committee ▪ Leadership Development Committee


- Nominating Committee (elections on Saturday morning)
 - Nominations for zone offices (presentation of candidates and additional nominations from floor) and candidate remarks
 - Central Zone: Secretary-treasurer
 - Northeast Zone: Vice president and assistant vice president
 - Southern Zone: NCEES nominee for president-elect; vice president and assistant vice president
 - Western Zone: Secretary-treasurer
 - Zone task force reports (if applicable)
 - Update on state activities
- 5:00 p.m.–Until Off-site event
- Saturday, April 29**
- 6:30–8:00 a.m. Breakfast buffet
- 8:00–9:30 a.m. Breakout forums
- Engineering
 - Surveying
 - Member board administrators
 - Law enforcement
- 9:45–10:45 a.m. Individual zone meetings
- Elections
 - Central Zone: Secretary-treasurer
 - Northeast Zone: Vice president and assistant vice president
 - Southern Zone: NCEES nominee for president-elect; vice president and assistant vice president
 - Western Zone: Secretary-treasurer
 - Site-Selection Committee report
 - Update on state activities (continued)
 - Invitations to 2024 zone interim meetings
- 11:00–11:45 a.m. Business session 3
- Forum reports
 - New business
 - Resolutions Committee report
 - Other
 - Closing comments and adjournment
- Noon–1:15 p.m. Awards luncheons (by zone)
- 2:00–7:00 p.m. Space Center Houston Tour (*optional; paid in advance; meet in hotel lobby at 1:45*)

Wherrett, Mackenzie (BRPELS)

From: Fuller, Ken (BRPELS)
Sent: Tuesday, November 29, 2022 7:25 AM
To: Blaisdell, Aaron (BRPELS Board Member); Wengler, James (BRPELS Board Member); Lund, Marjorie (BRPELS Board Member)
Cc: Wherrett, Mackenzie (BRPELS); Larson, Rich (BRPELS); Hendrickson, Douglas (BRPELS Board Member)
Subject: NCEES PLS EXAM EPS Request

Good morning,


I just received this on our message board and wanted to get us prepared for this as the decision will need to be made prior to the next official board meeting. Aaron, do we have enough information to make a preliminary decision on which divisions our Board will require for licensing a PLS in Washington? Would you want to discuss this at the next Survey Committee meeting?

 Stef Goodenow · Nov 29 · Notified 93 people

The EPS Committee will receive the PS PAKS results at their January 19 meeting. The committee will use this information to determine which PS divisional exams are feasible. Immediately following this meeting, exam specifications for the proposed divisions will be shared with MBAs along with a request to identify which divisions your jurisdiction will require a candidate to pass to become licensed. There is a very short window to gather this information so it can be forwarded to the Committee on Finance for their discussion on the corresponding exam prices.

The survey will be distributed the week of January 23. Please mark your calendars and start having discussions with your board so you are able to submit a completed survey by February 15, 2023.



 Add a comment here...

Ken Fuller, PE
Director
541.647.7265



STATE OF WASHINGTON
BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
"We do what is right all of the time"

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AMENDATORY SECTION (Amending WSR 05-17-053, filed 8/9/05, effective 9/9/05)

WAC 196-25-002 Definitions. Board. The Washington state board of registration for professional engineers and land surveyors.

Business. A corporation, professional service corporation (PSC), limited liability company (LLC), professional limited liability company (PLLC), partnership or sole proprietorship that is practicing or offering to practice, engineering or land surveying or both in this state.

Certificate of authorization. A certificate issued by the board, pursuant to chapter 18.43 RCW, to a corporation or limited liability company (LLC), authorizing it to practice engineering or land surveying or both in this state. (Note: This is a different certificate than the certificate of authorization that may be filed with the secretary of state.)

Designee, designated engineer, designated land surveyor. A currently registered professional engineer designated by a corporation or LLC to be in responsible charge of engineering activities for the corporation or LLC in Washington, or, a currently registered professional land surveyor designated by a corporation or LLC to be in responsible charge of land surveying activities for the business in Washington.

Employee. A person in the service of another under any contract of hire, expressed or implied, oral or written, where the employer has the right to control and direct the employee in the material details of the scope, schedule, and location of employment.

Professional engineer. A person registered by the board under chapter 18.43 RCW to practice engineering in this state.

Professional land surveyor. A person registered by the board under chapter 18.43 RCW to practice land surveying in this state.

~~(**Resident engineer or resident land surveyor.** A currently registered professional engineer or land surveyor who maintains a business headquarters or branch office as his/her normal place of employment, and is in responsible charge of the engineering and/or land surveying services.)~~

~~**Business.** A corporation, professional service corporation (PS), joint stock association (JSA) or limited liability company (LLC) or professional limited liability company (PLLC) that is practicing or offering to practice, engineering or land surveying or both in this state.~~

~~**Designee, designated engineer, designated land surveyor.** A currently registered professional engineer designated by the business to be in responsible charge of engineering activities for the business in Washington, OR, a currently registered professional land surveyor designated by the business to be in responsible charge of land surveying activities for the business in Washington.~~

~~**Employee.** A person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the right to control and direct the employee in the material details of the scope, schedule and location of employment.~~

~~**Branch office.** One or more alternate locations in Washington of a business, not recognized as the business' main office or headquarters, which is established to offer and provide engineering and/or land surveying services from that location.~~

~~**Project office.** A temporary remote location of an engineering and/or land surveying business that is a convenient workplace for pro-~~

viding specific engineering and/or land surveying services only in support of a project.

~~**Certificate of authorization.** A certificate issued by the board, pursuant to chapter 18.43 RCW, to a business authorizing it to practice engineering or land surveying or both in this state. (Note: This is a different certificate than the certificate of authorization that may be filed with the secretary of state.))~~

Responsible charge. To be in responsible charge means to have the authority to make all engineering or land surveying decisions pertaining to engineering or land surveying activities in the state of Washington on behalf of a corporation or LLC. RCW 18.43.130 (8)(b) and (10)(b).

NEW SECTION

WAC 196-25-003 Business licenses. Businesses must obtain a business license from the department of revenue prior to offering services to the public pursuant to chapter 82.32 RCW.

AMENDATORY SECTION (Amending WSR 04-04-001, filed 1/21/04, effective 2/21/04)

~~**WAC 196-25-005 ((Businesses that must be authorized by the board.)) Corporation and LLC certificates of authorization.** ((Except for professional service (PS) corporations and professional service limited liability companies (PLLC's), all)) Corporations ((, joint stock associations)) and limited liability companies ((-LLC's)) that offer engineering or land surveying services must obtain from the board a certificate of authorization to practice engineering or land surveying or both in the state of Washington.~~

~~((A general partnership must employ at least one person currently registered pursuant to chapter 18.43 RCW for each profession for which services are offered.)) Corporations and LLCs must be registered with the secretary of state and the department of revenue and have a unified business identifier (UBI) number prior to applying for a certificate of authorization.~~

~~Professional service corporations and professional limited liability companies, sole proprietorships, and partnerships are exempt from applying for certificates of authorization.~~

AMENDATORY SECTION (Amending WSR 04-04-001, filed 1/21/04, effective 2/21/04)

WAC 196-25-010 Applications for certificates of authorization. All applications by corporations and LLCs for certificates of authorization must be completed on forms provided by the board and submitted to the offices of the board. A complete application requires the following: Payment of the appropriate fee as listed in chapter 196-26A

WAC; affidavit of designated professional engineer and/or land surveyor; and, ~~((certified))~~ a copy of resolution naming the designated engineer, or land surveyor, or both.

AMENDATORY SECTION (Amending WSR 05-17-053, filed 8/9/05, effective 9/9/05)

WAC 196-25-040 ~~((Provisions pertaining to only corporations, joint stock associations))~~ **Corporation and limited liability ((companies)) company designees.** (1) Each corporation or LLC must designate a registered engineer or land surveyor respectively to be in responsible charge.

(2) If the business offers both engineering and land surveying services, there must be a designee for each profession. If a person is licensed in both engineering and land surveying, that person may be designated for both professions.

~~((2))~~ (3) An affidavit must be signed by the designee(s) stating that ~~((he or she))~~ they know~~((s))~~ they have been designated by the ~~((business))~~ corporation or LLC as being in responsible charge for the engineering and/or land surveying activities in the state of Washington.

~~((3))~~ (4) The designated engineer and/or designated land surveyor must be an employee of the ~~((business))~~ corporation or LLC.

~~((4))~~ (5) No person may be the designated engineer or designated land surveyor at more than one ~~((business))~~ corporation or LLC at any one time.

~~((5))~~ (6) When there is a change in the designee(s), the business must notify the board in writing no later than ~~((thirty))~~ 30 days after the effective date of the change and submit a new affidavit.

~~((6))~~ If the business changes its name, the business must submit a copy of its amended certificate of authority or amended certificate of incorporation (for corporations) or a copy of the certificate of amendment (for LLC's), as filed with the secretary of state within thirty days of the name change.

~~(7)~~ At the time of renewal, the corporation or limited liability company must submit a copy of the document issued to their company by the state of Washington master license service which states that the corporation or limited liability company has been "renewed by the authority of the secretary of state" and shows a current expiration date.

~~(8)~~ The filing of the resolution shall not relieve the business of any responsibility or liability imposed upon it by law or by contract. Any business that is certified under chapter 18.43 RCW and this chapter is subject to the authority of the board as provided in RCW 18.43.035, 18.43.105, 18.43.110, and 18.43.120.)

NEW SECTION

WAC 196-25-045 **Changes and renewals.** (1) If the business changes its name with the secretary of state, the business must notify the board within 30 days of the name change.

(2) At the time of renewal, the corporation or limited liability company must have a current license with the secretary of state and the department of revenue.

(3) The filing of the resolution shall not relieve the business of any responsibility or liability imposed upon it by law or by contract. Any corporation or LLC that is certified under chapter 18.43 RCW and this chapter is subject to the authority of the board as provided in RCW 18.43.035, 18.43.105, 18.43.110, and 18.43.120.

NEW SECTION

WAC 196-25-046 Professional service corporation. (1) Professional service corporations lawfully organized under chapter 18.100 RCW are not required to obtain certificates of authorization under this chapter.

(2) All engineering services provided by a professional service corporation, must be provided by a duly licensed professional engineer pursuant to RCW 18.100.060.

(3) A registered engineer may own stock in and render individual professional services through only one professional service corporation at any time pursuant to RCW 18.100.050(2).

(4) The standards of professional conduct for engineers under chapter 18.43 RCW and this Title 196 WAC apply to any professional services performed by a PSC or its individual member licensees pursuant to RCW 18.100.070.

(5) A PSC that performs engineering services must comply with chapters 18.43 and 18.100 RCW.

NEW SECTION

WAC 196-25-047 Professional limited liability company. (1) A group of licensed professional engineers or land surveyors legally authorized to render the same professional services within this state may form and become members of a professional limited liability company for the purposes of rendering professional engineering or land surveying pursuant to RCW 25.15.046.

(2) A professional limited liability company and its members are subject to all the provisions of chapter 18.100 RCW.

(3) No engineering or land surveying services may be performed by a PLLC unless those services are performed by a licensed engineer or land surveyor, respectively.

(4) Formation of a professional limited liability company under RCW 25.15.046 does not restrict the application of the Uniform Disciplinary Act under chapter 18.235 RCW.

AMENDATORY SECTION (Amending WSR 99-15-054, filed 7/15/99, effective 8/15/99)

WAC 196-25-060 Offer to practice by all businesses. The offer to practice or provide engineering or land surveying services to the public must be made by or under the direct supervision of a licensee qualified to offer said services under the provisions of chapter 18.43 RCW.

The practice of engineering or land surveying by a partnership offering engineering or land surveying services must employ at least one licensed engineer or land surveyor that can provide professional services and/or direct supervision over said services.

AMENDATORY SECTION (Amending WSR 10-05-017, filed 2/4/10, effective 3/7/10)

WAC 196-25-070 Providing direct supervision. Direct supervision ((means the actions by which)) by a licensee ((maintains)) is described as follows:

(1) Maintaining control over those decisions that are the basis for the findings, conclusions, analyses, rationale, details, and judgments required for the preparation of engineering or land surveying plans, specifications, plats, surveys, land descriptions as defined by WAC 332-130-020, reports, as-built documents prepared by the licensee, and related activities. ((**Direct supervision**))

(2) Requires providing personal direction, oversight, inspection, observation and supervision of the work being certified.

(3) These actions may include, but are not limited to: Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications, or other current technology.

(4) Contractual or employment relations must be in place between the licensee and unlicensed preparer to qualify as direct supervision.

(5) Mentoring is not direct supervision. ((Drawing or other)) Reviewing documents ((review)) as defined by WAC 196-23-020, after preparation without involvement in the design and development process as described above cannot be accepted as direct supervision.

AMENDATORY SECTION (Amending WSR 06-22-033, filed 10/25/06, effective 11/25/06)

WAC 196-25-080 Practice by businesses, organizations or public agencies. When a business, organization or public agency offers or performs engineering or land surveying services as defined in RCW 18.43.020, the business, organization or public agency shall perform its duties and responsibilities in the same manner as an individual, in accordance with RCW 18.43.130 (8) (f) and (10) (f), chapters 18.43, 18.100, and 18.235 RCW, and other applicable statutes and rules.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-25-050 Branch offices.

Board Meeting

Tab 5

Director's Report

- 5.1 Financial Report
- 5.2 Agency Operations
- 5.3 Program Reports
 - 5.3.1 Communication & Outreach
 - 5.3.2 Regulatory
 - 5.3.3 Investigations & Compliance
 - 5.3.4 Licensing
 - 5.3.5 Admin
 - 5.3.6 Deputy Director
- 5.4 Other Items

Wherrett, Mackenzie (BRPELS)

From: Bitar, Paul (DES)
Sent: Tuesday, November 29, 2022 2:41 PM
To: Fuller, Ken (BRPELS)
Cc: Wherrett, Mackenzie (BRPELS)
Subject: October 2022 Financial Status
Attachments: BRPELS_Financial Status_October 2022.xlsx

Hi Ken,

I have attached BORPELS' October 2022 financial status and projection reports. The information in the reports shows that **BORPELS is in excellent financial condition**. At this time, I project the agency will end the biennium with about \$1.79 million in its operating account, Fund 024. Additionally, the agency is on track to underspend its appropriation by \$558k.

REVENUE

Biennium 2021-23 revenue collections continue to exceed projections. For the period of July 2021 – October 2022, the agency generated \$2.866 million in revenue vs. just \$2.402 million during the same period last biennium. This represents an increase of 19.3% between biennia. I currently project that BORPELS will generate \$4.49 million in revenue this biennium.

EXPENSES

I anticipate that BORPELS will underspend the allotments for most expense categories this biennium, because the biennium is 2/3 complete and agency spending has remained low. The only uncertainty in terms of expenses is the quarterly DOL invoice for POLARIS, which can vary substantially between periods. Through October 2022, DOL expenses have averaged about \$26k per month. The projection assumes that DOL costs will continue to be about \$26k per month through the end of the biennium.

Let me know if you have any questions.

Thanks,

Paul Bitar

Senior Financial Consultant
Small Agency Financial Services
Washington State Department of Enterprise Services
d: 360-407-8129
paul.bitar@des.wa.gov

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Your satisfaction is our priority and we value your feedback

Communication and Outreach – December 2022

Current/Upcoming Projects

- Website Redesign – update from WaTech - \$27,744 for “website design and development,” which includes design, layouts, functionality, security, training and website reporting. Also quoted for “optional user experience,” which includes feedback by our team and up to 10 users’, analyze findings and provide recommendations, for \$55,200. We believe we can accomplish this ourselves. We’ll next design a poll for licensees and meetings with staff.
- Legislative Postcard – a few months ago, we produced and distributed a postcard to legislators, to raise awareness to upcoming proposed legislation for the 2023 Session. We are finalizing a request for them to consider a bill providing a fundamentals exam waiver, for comity licensing applicants. Now, we are producing a second postcard and email with updated language, while we wait for an updated legislative mailing list from the state (post-election changes). We are also strategizing other communication/lobbying for the upcoming session, which begins Monday, January 9th.
- 2023 Strategic Calendar – first draft is complete (was included in The Journal), now working on updates, especially 1st and 2nd quarter. Please email me any events you may have for this next year.
- PEAR Pro-Equity Anti-Racism, is our state initiative and mandate from the governor, to reduce disparities and improve outcomes across state government. There are about 30 small agencies who do not have the ability to meet all the expectations required. The state has now offered staff help, at the cost of \$3,500 per agency, which we have accepted. They will assign us someone in the coming weeks, as we move on to the next phase (as of this writing, an “Equity Summit” or rally, is scheduled for November 30th, which Ken and I plan to attend).

Completed Projects

- Journal – Fall/Winter edition complete and distributed. A big thank you to all that contributed. It features 17 pages, with 8 local articles, 3 from national contributors on local interest, formal and informal actions by the board, a 2023 calendar and contact information. Next edition will be Spring/Summer, in about May.
- College Visits - Board Chairman, Doug Hendrickson guest spoke to about 25 senior class engineering students at WSU Bremerton/Olympic College on ethics and the importance of licensure. We took pictures and wrote a short article for The Journal. Also, accomplished the same, for Seattle University, with two Civil (NCEES) Engineering Awards, presented by NCEES member and agency Board member, Marjorie Lund.
- Conference Room Upgrade – new web conferencing device installed and is under testing. Also, will be testing whiteboard and getting our office monitors operational.

Regulatory Program Report 12/08/22

Current Items:

- Rulemaking
 - * 196-25 Rules hearing held. Concise Explanatory Statement for review at PC.
 - * 196-26A & 196-30 CR102 to be filed
 - * 196-09 Indexing rule language being drafted
 - * 196-32 CR102 to be filed
- Exam Development (Team: Rich, Vonna, Shanan)
 - * Work w/ Scantron and WaTech to get equipment/software set up
 - * Enter exam information into format that can be uploaded into the software
 - * Met with LS SMEs for 2-day workshop 11/17-18/22. Working on updating item bank. Next meeting January 2023 – exact date TBD.
- Legislation – RCW 18.43.100
 - * Monitoring BEARS – in OFM Review status (BEARS= Bill Enrollment and Agency Request System).
- Public Records Requests: **78** (as of 12/1)

Investigation/Compliance Program Report

12/08/22

Current Items:

- PDH Audits
 - * Project Team Assigned
 - Rich Larson/Vonna Cramer/Jill Short
 - Meeting scheduled with Polaris group and project team.
 - Met with Polaris group. This feature in Polaris is currently turned off due to a glitch. They are working on a fix.
 - Rich/Vonna/Jill will now be conducting a manual blind draw process of 1% of renewals for PLS and OS. Will measure results for approximately 6 months to determine results.
 - Template audit letters prepared.

- PLS Standards
 - * Project Team Assigned
 - Aaron Blaisdell/Rich Larson/Jill Short
 - Project team met and discussed next steps.
 - Team determined next steps would be to look at each investigation on a case-by-case basis. If a CM determines charges are appropriate, the CM, board staff, and AAG will meet to discuss violations and appropriate sanctions.
 - The Advising AAG and Prosecuting AAG will be conducting a board training.
 - A document showing past violations and sanctions will be posted to the Board Resources SharePoint site.

Completed Items:

Committee and/or Board Action Items:

Licensing Program Report December 7, 2022

Statistical Data

- *Applications received: 368(10/7/2022 – 12/1/2022)*
 - Corp/LLC: 21
 - EIT: 86
 - LSIT: 7
 - PE: 245
 - Exam: 87
 - Comity: 158
 - SE: 10
 - Exam: 4
 - Comity: 6
 - PLS: 7
 - Exam: 2
 - Comity: 5
 - On-Site Wastewater: 2
 - Designer: 1
 - Inspector: 1
- ***New licenses issued:***
 - EIT: 140
 - LSIT: 7
 - PE: 87
 - Exam: 8
 - Comity: 79
 - SE: 6
 - Exam: results not released yet for 10/2022 exam
 - Comity: 6
 - PLS: 15
 - OS: 10
 - Designer: 6
 - Inspector: 4
 - Corp/LLC: 17
- ***Total active licenses: 30,025***
 - PE: 27,189
 - SE: 1,784
 - PLS: 1,036
 - Corp/LLC: 1,484
 - On-Site Wastewater: 316
 - Designer: 216
 - Inspector: 100

Licensing Program Report December 7, 2022

Currently working on:

- **Special Projects**
 - **Licensing Staff**
 - Initial exam data (Nghiem)
 - Training new staff (Emily)
 - **Licensing Lead**
 - PLS SME group
 - Compiling data from 11/17&18, 2022 meeting
 - On-Site SME group
 - Scheduling review meetings for 2023
 - Monitor Polaris issues/bug
 - Polaris
 - DOL/BRPELS “bug” meeting: 6
 - Currently have 4 work items
 - Currently have 2 story items
 - OS tracking (Ad Hoc) statistical data – in progress
 - PLS statistical data – in progress
 - Scantron – in progress
 - WaTech to complete security review
 - SQL express to be uploaded
 - ParTest to be implemented
 - Box cleanup – in progress

Completed items

- In person PLS SME meeting (11/17&18,2022)
 - Domain breakdown and review - completed
 - In person meeting – completed

Administration Program Report

12/08/22

Current Items:

- **Team-Building Workshops with The Leneker Team**
 - * Staff engaging in workshops to help build and cement the best work environment, culture, and working relationships. These workshops have allowed staff to look deeper at how each other learn, communicate, and work.
 - * Staff took DiSC and CliftonStrengths assessments.
 - * Final staff workshop on 1/24
 - * Debrief with Ken and Rich on 1/26
- **Required Training & Additional Training**
 - * The WA Learning Center (TLC) Admin for BRPELS
 - * Apply Required Training Policy to align with state requirements (RCW, WAC, and SAAM)
 - * Procurement & Supply
 - * Contract Management
- **Filling Permanent CSS2 Position**
 - * Preparing to begin the process of filling the CSS2 position permanently. Hiring to occur in January/February.
 - * Contract with temporary employment agency has approximately 360 hours remaining.

Ongoing Items:

- **SharePoint & MS365 Development**
 - * Board Staff Tracker which utilizes M365 Planner
 - * Board Site Development
 - * Tagging/categorizing documents
 - * Clean-up
- **Develop BRPELS Onboarding/Training Process (W/ Vonna)**
 - * Establish standard process of obtaining access to POLARIS for new or existing employees.
 - * Establish standard onboarding process specific to BRPELS.
 - Introduction with Director
 - Required State Trainings
 - Software – E.g., Adobe, Informatik, VPN
 - Hardware – E.g., Printers, Scanners
- **Develop Standard Project Template**
 - * A standard project template to be used by staff during the project development stage.
 - * Using RACI (responsible, accountable, consulted, informed) Model as guide.

- **Agency Form Clean Up Project**
 - * Categorize forms by program and create a master list
 - * Update Form Numbers (remove DOL agency #, logos, and misc. information)
 - * Update Barcodes on licensing applications and forms
 - * Insert BRPELS Logo and update InDesign master pages

- **Admin Policies – List & Reorg**
 - * List and organize agency templates (examples from Accounting Board and DES)
 - * Develop and establish any missing policies
 - * Revise Layoff Policy for HR
 - * Create employee attestation regarding policies

Completed Items:

- ✓ **Annual Agency Contract Transparency Report**
 - * BRPELS is required to report all goods and services contracts on an annual basis.

- ✓ **BRPELS & POLARIS Training Guides**
 - * Documented BRPELS process of routing practice questions received by licensing staff to the appropriate staff to respond.

- ✓ **Developed BRPELS COVID Vaccination Policy**
 - * To be distributed, reviewed, and signed by board staff

- ✓ **Developed BRPELS Telework Agreement**
 - * To be distributed, reviewed, and signed by board staff

Deputy Director's report

12/08/22

Rich Larson, PLS

Current Items:

- Leneker Team Coaching with the Director
 - The Director and I have had three coaching sessions for Administrators with the Leneker team
- Exam Development (Team: Rich, Vonna, Shanan)
 - Worked with the team in all aspects of the Exam Development Project and did extra work with the SMES, both OS and PLS. The October exam process went well and we are looking forward to getting the Scan Tron system set up for our next exam.
- Met with the PLS SMES and staff in a two day in person workshop
- Continuing meetings with DNR and LSAW to talk about PLS issues
- Continuing meetings with the Leneker team and staff
- Working on staff Expectations with the Director
- Working with Jill and PLS Board Members on investigations
- Co-chair with Shanan for the Survey Committee

Board Meeting

Tab 6

Assistant Attorney General's Report

6.1 Introducing The New Prosecuting AAG

Board Meeting

Tab 7

Other Business

- 7.1 Additional Public Comment
- 7.2 Upcoming Outreach and Events
 - 7.2.1 April Committee/Board Meeting Dates
- 7.3 Action Items from this Meeting
- 7.4 Agenda Items for Next Meeting



STATE OF WASHINGTON

Board of Registration for Professional Engineers & Land Surveyors

2023 EVENTS CALENDAR

January

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
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29	30	31				

February

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March

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May

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June

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July

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August

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September

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October

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November

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December

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31						

NCEES

Interim Zone Meeting
Houston, TX
April 27 - 29

Annual Meeting
Boston, MA
Aug. 15 - 18

LSAW

Annual Conference
Spokane, WA
Feb. 15 - 17

WA State Specific Exams

March 24
Deadline February 24

September 22
Deadline August 25

Committee & Board Meetings

The following meetings will be held virtually and in-person

2022: December 7 & 8 2022, Olympia

2023: February 22 & 23, Vancouver
April 17-21 & 26, Olympia
June 21 & 22, Tri-Cities
August 9 & 10, SeaTac
October 18 & 19, Spokane
December 6 & 7, Olympia

Other 2022 Events

WABO Conference - October 28, Spokane
City of Bellevue & City Dept. - December 1
Olympic College - November 4, Bremerton

Other 2023 Events

APWA Conference - April 26 - 27, Tacoma
St. Martins University - TBD, Lacey
WOSSA SepticCon - Jan 26 - 28, Tacoma

Washington State Holidays

NCEES

Member Board Admin. Meeting
Greenville, SC
January 9 - 10

NCEES SE Exams

April 13 - 14
October 26 - 27

PNW ASCE

Student Symposium
MT St University
April 14 - 15

Board of Registration for Professional Engineers and Land Surveyors

Action Item List

Executive Committee

Date Assigned	Action Item	Assigned To	Status
10/20/22	File CR102 for WAC 196-26A & WAC 196-30 with the Code Reviser's Office	Ms. Gillespie	In Progress

Exam Qualifications Committee (EQC)

Date Assigned	Action Item	Assigned To	Status
2/17/21	Research options for the Law Review and State Specific exams to be administered through an alternate platform.	Ms. Cramer	In Progress
10/21/21	Review WAC 196-16 and 196-34 and consider adding language to address the issue of reporting PDHs when a newly licensed surveyor is audited within a year of obtaining their license.	Committee	Pending
10/20/22	File CR102 for WAC 196-32 with the Code Reviser's Office.	Ms. Gillespie	In Progress

Practice Committee (PC)

Date Assigned	Action Item	Assigned To	Status
10/21/21	Review RCW 18.43 and determine next steps to address outcomes from recent litigation concerning the use of the word engineer and the practice of engineering.	Committee	In Progress
10/19/22	Mr. Schieferstein to add journal articles for licensees regarding the importance of written contracts and bad reviews.	Mr. Schieferstein	In Progress

Survey Committee

Date Assigned	Action Item	Assigned To	Status
10/15/20	Meet with DNR regarding issues affecting the investigation process.	Mr. Wengler Mr. Blaisdell Mr. Larson	In Progress
10/20/22	Start rule-making process for WAC 196-29 - Professional Practices	Ms. Gillespie	In Progress

On-Site Committee

Date Assigned	Action Item	Assigned To	Status
4/12/22	Compile OS Designer & Inspector pass/fail & reexam statistics over the last 5 years.	Ms. Cramer	In Progress
10/10/22	Agenda item to be added to the next On-Site Wastewater Ad Hoc committee meeting to discuss the structure of the committee and adding representation from the east side of the state.	Ms. Cramer	In Progress

Board Staff

Date Assigned	Action Item	Assigned To	Status
10/20/22	Discuss and begin writing a Communication Action Plan for board review.	Mr. Fuller Mr. Schieferstein	In Progress
8/12/21	Check with DOL regarding limiting applicant/licensees' ability to change name in Polaris.	Ms. Cramer	In Progress
3/3/22	Develop a Letter of Education and BAP alternative to present to the Board.	Mr. Fuller	In Progress
10/20/22	Outreach to licensees regarding general renewal information	Mr. Schieferstein	In Progress
10/20/22	Mr. Schieferstein to obtain more information about who will engage in the website survey and provide it to the board.	Mr. Schieferstein	In Progress
10/20/22	Ms. Cramer to provide licensing statistical data on an annual basis.	Ms. Cramer	In Progress

AGO

Date Assigned	Action Item	Assigned To	Status
4/21/22	Check with Mr. Pitel regarding facilitating a training with the Board.	Ms. Lagerberg	In Progress
6/15/22	Work with staff and Mr. Pitel to review "Standard of Care" in the industry to outline an objective process of what errors or how many errors may trigger moving forward with formal investigation/statement of charges for presentation at August board meeting.	Ms. Lagerberg Ms. Short Mr. Fuller	In Progress

Board Meeting

Tab 8

Adjourn Meeting